

From: [Buckmaster, Tarek \(EGLE\)](#)
To: [Ackerman, Mark](#)
Cc: [Aiello, Christine \(DEQ\)](#)
Subject: FW: 2020 Steam Electric Rule Conditon
Date: Friday, September 10, 2021 2:49:16 PM
Attachments: [image001.png](#)

Hi Mark,

We're working on updating permit language and have a question about 423.18. Does the language in this condition need to be incorporated into the permits now, or can we wait until the facility submits certification that the facility will cease the use of coal or qualify as a low utilization facility? Thanks

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From: Aiello, Christine (EGLE) <AIELLOC@michigan.gov>
Sent: Friday, September 10, 2021 3:33 PM
To: Buckmaster, Tarek (EGLE) <BUCKMASTERT@michigan.gov>
Subject: 2020 Steam Electric Rule - Surprise?

Hey Tarek,

Rachel drew my attention to a condition in the Final Rule that I didn't notice and have not heard discussed before, but which appears to be necessary for Monroe, Belle River, and JH Campbell. Please see the screen capture below.

Based on the wording of the first sentence in the capture below, I'd conclude that the permit must actually contain this language, as opposed to incorporating it by reference to the rule part the language is in, in order for the permittee to be able to benefit from its protections. Rachel proposed appending it to subpart a. of the BATW Discharge Prohibition condition in the JH Campbell permit, but she's open to incorporating it by reference if that's an acceptable option.

What are your thoughts – both about the condition and how we can/should incorporate it into the permits?

§ 423.18 Permit conditions.

All permits subject to this part shall include the following permit conditions:

(a) An electric generating unit shall qualify as a low utilization electric generating unit or permanently ceasing the combustion of coal by December 31, 2028, if such qualification would have been demonstrated absent the following qualifying event:

(1) An emergency order issued by the Department of Energy under Section 202(c) of the Federal Power Act,

(2) A reliability must run agreement issued by a Public Utility Commission, or

(3) Any other reliability-related order or agreement issued by a competent electricity regulator (*e.g.*, an independent system operator) which results in that electric generating unit operating in a way not contemplated when the certification was made; or

(4) The operation of the electric generating unit was necessary for load balancing in an area subject to a declaration under 42 U.S.C. 5121 *et seq.*, that there exists:

(i) An “Emergency,” or
(ii) A “Major Disaster,” and
(iii) That load balancing was due to the event that caused the “Emergency” or “Major Disaster” in paragraph (a)(4) of this section to be declared,

(b) Any facility providing the required documentation pursuant to § 423.19(g) may avail itself of the protections of this permit condition.

Christine Aiello

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